

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ASSURANCE COMPANY OF AMERICA,

Plaintiff,

Case No. 05-71315

v.

District Judge Paul D. Borman  
Magistrate Judge R. Steven Whalen

PICTURE PERFECT HOME IMPROVEMENT,  
INC., ANDREA JOHNSON, JAMAL JOHNSON,  
and CITIZENS INSURANCE COMPANY OF  
AMERICA, AS SUBROGEE OF ANDREA and  
JAMAL JOHNSON,

Defendants.

/

**ORDER GRANTING MOTION TO COMPEL DISCOVERY**

Before the Court is Defendants' Motion to Compel Discovery [Docket #14], which has been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A). For the reasons stated on the record on October 17, 2005, Defendants' Motion is GRANTED, subject to the following limitations:

1. Plaintiff shall produce any items appearing in Plaintiff's privilege log (Exhibit G to Plaintiff's Response) which Plaintiff asserts are irrelevant and/or proprietary, but not otherwise privileged, subject to the protective order set forth below.
2. Plaintiff shall submit to the Court for in camera inspection unredacted copies of all documents listed in the privilege log to which it claims attorney-client or work product

privilege. Following in camera review, the Court will issue a separate order regarding the discoverability of this material. Until that time, this portion of the Defendants' discovery request is taken under advisement.

3. Plaintiff shall produce all policy manuals, guidelines, written procedures and/or requirements as set forth in Defendants Document Request Nos. 20-26, 28, and 30-38, subject to the protective order set forth below.

4. Plaintiff shall fully respond to all other document requests set forth in Defendants' Motion. If Plaintiff believes and asserts in good faith that any request involves proprietary information, it may mark such material "Confidential," which will subject it to the protective order set forth below.

### **PROTECTIVE ORDER**

Documents produced pursuant to Defendants' Motion to Compel which are subject to a protective order as set forth above shall be marked "Confidential."

Material designated as "Confidential" may be disclosed only to: the parties to this action; the attorneys of record for the parties; members, employees or contract workers of the law firms of the attorneys of record in this action; witnesses for the parties, including expert witnesses (whether testifying at trial or depositions or not); court reporters; consultants, investigators and other persons employed or retained by counsel for assistance in this litigation; persons engaged for the limited purpose of making photocopies of the documents; and any third persons who counsel reasonably and in good faith believes would be able to provide potentially relevant information if provided with or advised of the contents of the

discovery material.

Discovery material designated "Confidential" may be disclosed to the persons set forth above only in the context and for the purposes of prosecuting or defending this lawsuit.

SO ORDERED.

S/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: October 18, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on October 18, 2005.

S/Gina Wilson

Judicial Assistant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ASSURANCE COMPANY OF AMERICA,

Plaintiff,

Case No. 05-71315

v.

District Judge Paul D. Borman  
Magistrate Judge R. Steven Whalen

PICTURE PERFECT HOME IMPROVEMENT,  
INC., ANDREA JOHNSON, JAMAL JOHNSON,  
and CITIZENS INSURANCE COMPANY OF  
AMERICA, AS SUBROGEE OF ANDREA and  
JAMAL JOHNSON,

Defendants.

/

**ORDER GRANTING MOTION TO COMPEL DISCOVERY**

Before the Court is Defendants' Motion to Compel Discovery [Docket #14], which has been referred for hearing and determination pursuant to 28 U.S.C. §636(b)(1)(A). For the reasons stated on the record on October 17, 2005, Defendants' Motion is GRANTED, subject to the following limitations:

1. Plaintiff shall produce any items appearing in Plaintiff's privilege log (Exhibit G to Plaintiff's Response) which Plaintiff asserts are irrelevant and/or proprietary, but not otherwise privileged, subject to the protective order set forth below.
2. Plaintiff shall submit to the Court for in camera inspection unredacted copies of all documents listed in the privilege log to which it claims attorney-client or work product

privilege. Following in camera review, the Court will issue a separate order regarding the discoverability of this material. Until that time, this portion of the Defendants' discovery request is taken under advisement.

3. Plaintiff shall produce all policy manuals, guidelines, written procedures and/or requirements as set forth in Defendants Document Request Nos. 20-26, 28, and 30-38, subject to the protective order set forth below.

4. Plaintiff shall fully respond to all other document requests set forth in Defendants' Motion. If Plaintiff believes and asserts in good faith that any request involves proprietary information, it may mark such material "Confidential," which will subject it to the protective order set forth below.

### **PROTECTIVE ORDER**

Documents produced pursuant to Defendants' Motion to Compel which are subject to a protective order as set forth above shall be marked "Confidential."

Material designated as "Confidential" may be disclosed only to: the parties to this action; the attorneys of record for the parties; members, employees or contract workers of the law firms of the attorneys of record in this action; witnesses for the parties, including expert witnesses (whether testifying at trial or depositions or not); court reporters; consultants, investigators and other persons employed or retained by counsel for assistance in this litigation; persons engaged for the limited purpose of making photocopies of the documents; and any third persons who counsel reasonably and in good faith believes would be able to provide potentially relevant information if provided with or advised of the contents of the

discovery material.

Discovery material designated "Confidential" may be disclosed to the persons set forth above only in the context and for the purposes of prosecuting or defending this lawsuit.

SO ORDERED.

S/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Dated: October 18, 2005

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on October 18, 2005.

S/Gina Wilson

Judicial Assistant